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Attorneys for Defendant and Counterclaimant
JON BYRON DAVIS

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VACC, INC., a California corporation,

Plaintiff,

v.

JON BYRON DAVIS (aka J. Byron Davis), an
individual,

Defendants.

JON BYRON DAVIS (aka J. Byron Davis),

Counterclaimant,

v.

VACC, INC., a California corporation,

Counterdefendants.

CASE NO.: 3:16-cv-01350 JCS

**STIPULATION AND ~~PROPOSED~~
ORDER FOR EXTENSION OF TIME
FOR SETTLEMENT CONFERENCE
AND TO RESCHEDULE FURTHER
CASE MANAGEMENT CONFERENCE**

[Local Rules 6-2 and 7-12]

Complaint Filed: March 18, 2016
Amended Complaint Filed: Sept. 15, 2016

Trial Date: February 5, 2018

1 Pursuant to Local Rule 6.2, Plaintiff VACC, Inc. and Defendant Jon Byron Davis, by and
2 through their respective counsel of record, hereby request an order changing time would affect the
3 deadlines in the above-referenced matter already fixed by this Court's October 25, 2016 Case
4 Management Pretrial Order (Jury) [Docket No. 36]. Specifically, the parties hereby stipulate and
5 request to (1) modify the Court's deadline to complete a settlement conference with Magistrate Judge
6 Sallie Kim within 120 days of the order, or as is convenient to Judge Kim's calendar, and (2)
7 reschedule the date set for a further case management conference on **February 17, 2017, at 2:00 p.m.**
8 before Magistrate Judge Spero, along with the corresponding updated joint case management
9 conference statement due **February 10, 2017**.

10 First, the parties stipulate to and request an additional ninety (90) days to complete the
11 settlement conference with Judge Kim. This would change the deadline for the parties to complete
12 the settlement conference from February 22, 2017 to May 23, 2017.

13 Second, the parties stipulate to and request to reschedule the further case management
14 conference to **June 2, 2017 at 2:00 p.m.**, with an updated joint case management conference
15 statement due **May 26, 2017**, or such other dates as the Court may designate.

16 As set forth in the accompanying declaration, good cause exists for this request because the
17 parties are still in the process of completing depositions, which due to continuing written discovery
18 between the parties will be concluded in early February of 2017. The parties requested further dates
19 from Judge Kim's department upon realizing that the depositions were to be postponed, but the
20 parties were not able to reschedule a new date for the settlement conference prior to the end of the
21 120 day deadline.

22 Good cause also exists to reschedule the date of the case management conference, which was
23 scheduled to occur after the settlement conference in the event the case did not resolve, and the due
24 date for the related case management conference statement, in order to complete the settlement
25 conference with Judge Kim and to complete written discovery and depositions prior to the further
26 conference with Judge Spero. Further, counsel for VACC, Inc. has been scheduled for a settlement
27 conference in another matter on February 17, 2017.

28 There have been no prior modifications of these dates and deadlines. The parties have

1 previously stipulated, without court order, to extend the deadline to respond to the Complaint
2 [Docket No. 11] and the deadline to respond to the First Amended Complaint [Docket No. 42].

3 The extensions of time requested in this Stipulation will not alter the date of any event or any
4 deadline already fixed by Court order other than as specified herein.

5
6 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

7 Dated: January 26, 2017

AD ASTRA LAW GROUP, LLP

8 By /s/ David Nied
9 David Nied
10 Attorneys for Defendant
11 JON BYRON DAVIS

12 Dated: January 26, 2017

GORDON REES SCULLY MANSUKHANI, LLP

13 By /s/ Michael D. Kanach
14 MICHAEL D. KANACH
15 Attorneys for Plaintiff
16 VACC, INC.

ATTESTATION PURSUANT TO LOCAL RULE 5.1

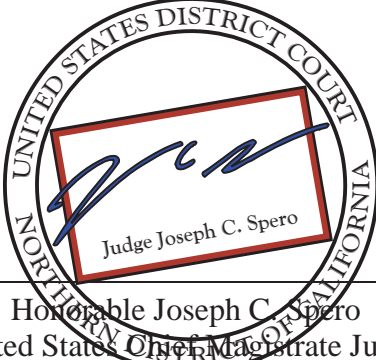
17 Concurrence in the filing of this document has been obtained from all signatories, and shall
18 serve in lieu of their signatures on the document.

19 I declare under penalty of perjury under the laws of the United States of America that the
20 foregoing is true and correct. Executed this 26th day of January, 2017, in San Francisco,
21 California.

22 By /s/ David Nied

23
24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25
26
27 DATED: January 30, 2017

28

Honorable Joseph C. Spero
United States District Court
Northern District of California
Chief Magistrate Judge